

CITY COUNCIL, CITY OF LODI
COUNCIL CHAMBER, CITY HALL
JUNE 19, 1957

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, June 19, 1956; Councilmen Fuller, Mitchell, Robinson, Hughes, (Mayor) present; Councilman Katzakian absent. City Manager Weller and City Attorney Mullen also present.

Minutes of June 5, 1957 were approved as written and mailed after making the following correction. On the Fire House Location discussion in the portion quoting the letter of Councilman Robinson, the first sentence of Paragraph (4) should read as follows: "He saw no disadvantage in eventually erecting the third fire station, if industrial development takes place, along the Southern Pacific Railroad tracks south of Lodi Avenue as provided in the Master Plan."

PUBLIC HEARING

DAIS REZONING Mayor Hughes called for the public hearing on the question of rezoning the south 46 feet of Lot 18, Crescent Manor Subdivision from R-3 Residential District to R-4 Residential District. There were no protests, either written or oral, presented. Ordinance No. 494, approving the rezoning as requested was introduced on the motion of Councilman Robinson, Mitchell second.

COMMUNICATIONS

PROCTER & GAMBLE REQUEST A letter from Procter and Gamble Company requesting the use of a parking space on South School Street in front of the Sprouse Reitz Store at 112 South School Street to display an automobile as part of the nation-wide advertising contest. Request would be for a period of six days or whatever would be approved by the City Council. The City Clerk read a letter from the Chief of Police stating that he had no objections to the request, but he wanted to point out that he has administratively approved requests for two days in the past and felt that exceeding this might be establishing a precedent on the part of the City. He suggested that the request be granted for two days each week for two weeks for a total of four days. Councilman Robinson stated that on the basis that this type of display might increase business in the downtown district he looked with favor on the request and would suggest granting similar requests in the future. Councilman Fuller concurred on this view. Councilman Fuller then moved, Robinson second, that permission for use of a metered stall be granted to Procter and Gamble Company at the location requested for a maximum of four days; said four days may be utilized as the Procter and Gamble Company desires. The motion was adopted by unanimous vote.

ABC LICENSE Application for transfer of Alcoholic Beverage License for On Sale Beer and Wine to Andrew and Emelia Gunsch, the Chicken Diner, 1541 Cherokee Lane.

ABC LICENSE Application for transfer of Alcoholic Beverage License for Off Sale General to Cecil C. Perrin and David F. Perrin, C & D Liquor Store, 1519 West Lockeford Street.

ABC LICENSE

Application for transfer of Alcoholic Beverage License for On Sale Beer and Wine to Riza Esmail and Nike Amaro, Victory Club, 122 North Sacramento Street.

PRIDEAUX DRIVE-
WAY REQUEST

The City Clerk read a letter from Mrs. Roy Prideaux, protesting the action of the City Council of June 5, 1957, in denying a request for a 30-foot driveway for their drive-in stand on South Hutchins Street. Mrs. Prideaux stated that two years ago they had closed off a twenty-foot driveway section, and the property recently acquired adjacent to their stand for a parking lot presently maintains a ten-foot driveway. She therefore felt that her request for a thirty-foot driveway was not removing curb space from public use. She asked that the City compare driveways in similar businesses in the City which would indicate that her request was reasonable. Mr. Rodgers, Planning Director informed the Council that he had consulted with Mrs. Prideaux and worked out an arrangement whereby a twenty-foot driveway would give sufficient access to the parking lot, but that its location would make it impossible to maintain four parking stalls on the street in front of the business establishment. Mrs. Prideaux stated that a twenty-foot driveway as suggested by Mr. Rodgers would be acceptable to her. On the motion of Councilman Robinson, Mitchell second, the City Council voted to reconsider its prior action and to grant the request as recommended by the Planning Director. The motion passed by the following vote:

AYES: Councilmen - Mitchell, Robinson and Hughes

NOES: Councilmen - Fuller

ABSENT: Councilmen - Katzakian

REPORTS OF THE CITY MANAGER

PENSION FUND
INVESTMENTSRES. NO. 2030
ADOPTED

Mr. Weller reported that in the past the City has been investing Pension Funds in government Series K saving bonds, that these bonds were no longer sold by the United States Government and he also reported that the authority of the Finance Director to invest the pension money has never been formally established. He explained that the type of investments which the City can make with these funds is limited by law, and recommended that the City Council authorize the Finance Director to invest the excess pension funds after approval of the Pension Board. He also recommended that the City Clerk be authorized as a co-signer in such investments. Resolution No. 2030 authorizing the Finance Director to invest the City's Pension Fund contributions in straight saving accounts and time contract deposits as provided by law, was adopted on the motion of Councilman Fuller, Robinson second.

INVESTIGATION OF CALIFORNIA WATER PLAN
RESOLUTION NO. 2031 ADOPTED
The City Manager reported that he received a Resolution from the Contra Costa County calling for the establishment of a legislative joint interim committee to investigate and establish policy regarding those features of the California Water Plan particular to the Delta area. He reported that the Resolution had been submitted to the City Engineer for recommendation, and the City Engineer stated that without passing on the validity of claims recited in the Resolution he felt that a study of the Delta water problems would be a wise move. The City Manager recommended that the City Council adopt a similar Resolution. Resolution No. 2031, urging the establishment of a joint interim committee for the study of water problems in the Delta area, was adopted by unanimous vote. The City Clerk was instructed to send copies to the Board of Supervisors of Contra Costa County, San Joaquin County, Assemblyman Biddick, and Senator Short.

OIL AND GREASE SPECS
Specifications for the City's oils and greases for the fiscal year, 1957-58, were approved on the motion of Councilman Fuller, Mitchell second.

CLAIMS
Claims in the amount of \$73,434.64 were approved on the motion of Councilman Robinson, Fuller second.

DEVELOPMENT OF OLD LODI BATHS AS PLAYGROUND
The City Manager presented a request from the County Superintendent of Schools for the City of Lodi to develop the area in Hale Park formerly occupied by the old Lodi Baths as a play area for young children. The County School Department has made arrangements to lease a portion of the Boy Scout Center for use as classrooms for mentally retarded children. In order to utilize the Boy Scout Center for this purpose it is necessary that they have access to a nearby playground area. The City Manager reported that the Building Inspector had submitted a report on the condition of the building and had found that occupancy for this purpose would be authorized with minor changes and also reported that development of the playground had been recommended by the Recreation Commission, subject to provisions relieving the City of liability for its use by the School Department. It was pointed out that the area would be open to public use after school hours. On the motion of Councilman Mitchell, Fuller second, the City Council voted to authorize development of the baths areas as a play area and to authorize the Boy Scout Center Association to utilize the area as a playground during school hours.

PRIVATE POLICE PATROLS
ORDINANCE NO. 595 INTRODUCED
The City Manager then presented an ordinance for the regulation of private police patrols which he recommended be adopted by the City. He explained that the proposed ordinance is almost identical to the ordinance which has been in effect in the City of Stockton for many years. The City Attorney also explained the various reasons for the need of regulations of this type of service in the City. He pointed out that this type of license is now required for taxicab drivers. Ordinance No. 595, providing regulation of private police patrol systems, was introduced on the motion of Councilman Mitchell, Robinson second.

SMITH PROPERTY
ACQUISITION

The City Manager reported that negotiations are still under way with Mrs. Estella Smith for the purchase of land just west of Lodi Lake Park. He reported that the City was unable to secure permission from the Southern Pacific Company for access over the railroad tracks at the north end of the Smith property as had been proposed originally. He reported that the Southern Pacific Company had denied the request on the basis that this would interfere with the tracks used for storing cars destined for the General Mills Plant. The Southern Pacific Company did, however, indicate that they would approve the crossing of the tracks at the extreme north end of the property being purchased by the City or generally in a location at the intersection of the railroad tracks and Woodbridge Road. The City Manager suggested that it would be possible to secure access across property belonging to Estella Cooper which would be at the north end of the property proposed for acquisition. Councilman Robinson stated that he was opposed to approving the purchase until the matter of access was settled. He felt that a definite proposal should be received from Mrs. Cooper before the Council would take final action. After further discussion it was generally agreed that if the only access over the Southern Pacific Tracks was over the Cooper property the City should take the necessary action to secure it at this time. On the motion of Councilman Robinson, Fuller second, the City Council voted to approve the purchase of land from Estella Smith and Estella Cooper subject only to securing the approval of such purchase from the City Attorney and City Manager.

TRASH CANS

Mr. Weller reported that he investigated the request from Mr. Cuffe for the installation of trash cans in the business district of the City, the cost of which would be off-set by placing advertisement on the trash containers. He stated that he had learned the merchants were generally opposed to this type of advertising in the business district. Mr. Hoggatt, Secretary-Manager of the Lodi District Chamber of Commerce, addressed the Council to state that the Board of Trustees of the Retail Merchants Division of the District Chamber of Commerce had considered this request. Whereas they would not judge the desirability of trash cans as such, they would not look with favor upon this type of proposal because the cans would carry advertising. Councilman Robinson stated that he felt School Street was unnecessarily dirty and he felt that the merchants should propose a plan for keeping the street clean. Mr. Hoggatt replied that efforts were being made to secure the cooperation of the individual merchants in not littering the gutters on School Street during those periods when the street sweeper does not make this round. Councilman Mitchell then moved, Fuller second that the

proposal by Mr. Cuffe for installation of trash cans in the downtown business district be rejected. The motion passed by the following vote:

AYES: Councilmen - Fuller, Mitchell and Hughes

NOES: Councilmen - Robinson

ABSENT: Councilmen - Katzakian

LANGFORD DEED

RES. NO. 2032
ADOPTED

Mr. Weller reported the City Engineer had secured a deed to the Langford property for the widening of Lodi Avenue between School Street and the Southern Pacific railroad tracks. Mrs. Langford agreed to the dedication of the right of way on the condition that the City of Lodi would bear the expense of street widening in the replacement of curb, gutter, and sidewalk and on the condition that the City relinquish that portion of the triangular portion of land on the corner of Sacramento Street and Lodi Avenue which would not be required for street purposes. She also requested that the railroad tracks be removed from the triangular parcel. Councilman Robinson asked the City Manager to check and see if the Traction Company was not responsible for the removal of the railroad tracks. A deed to the Langford property was then accepted under the conditions contained in Mrs. Langford's letter on the motion of Councilman Mitchell, Fuller second.**

PARKING DISTRICT NO. 1 EXPENDI- TURES

RES. NO. 2033
ADOPTED

RES. NO. 2034
ADOPTED

The City Manager presented the Council with two Resolutions recommended by the law firm of Kirkbride, Wilson, Harzfeld and Wallace for adoption as a step in the proceedings of the downtown parking district. Mr. Weller explained that it will be necessary to make expenditures in advance of the completion of the district. These expenditures are necessary for such things as appraisals of property, surveys of land, etc. Resolution No. 2033 would create a revolving fund to which money could be transferred from the parking meter fund. Resolution No. 2034 would in fact transfer money to the revolving fund from the parking meter fund. He explained that by following this procedure, money from the sale of bonds at a later date can be used to replace money in the parking meter fund. On the motion of Councilman Fuller, Mitchell second, Resolution No. 2033, creating a revolving fund for Parking District No. 1, was adopted by unanimous vote. On the motion of Councilman Robinson, Fuller second, Resolution No. 2034, transferring the amount of \$10,000 from the parking meter fund to the revolving fund for Parking District No. 1 was adopted by unanimous vote.

BIDS FOR STREET MATERIALS

RES. NO. 2035
adopted

The City Manager reported that bids had been received for the City's supply of street materials for the balance of the calendar year. Bids from Claude C. Wood Company in the amount of \$3,972.80 and from Rice Brothers in the amount of \$3,692.00 were received. He recommended that the award be made to Rice Brothers as lowest bidder. Resolution No. 2035, awarding the bid for street materials to Rice Brothers, was adopted on the motion of Councilman Fuller, Robinson second.

**Councilman Mitchell, Fuller second, then moved the adoption of Resolution No. 2032 authorizing the Mayor and City Clerk to execute a quitclaim deed to Nellie Langford for the portion of property on the northeast corner of Lodi and Sacramento streets not required by the City. Motion carried.

S. CHURCH ST.
SPEED LIMIT

Mr. Weller reported he received a memorandum from the Planning Director recommending that the speed limit on South Church Street from Tokay Street to Kettleman Lane be increased from its present 25 mile per hour limit to a speed limit of 35 miles per hour. It was explained that a survey of traffic on this street indicated that a substantial portion of the traffic was presently exceeding the 25 mile per hour speed limit. It was also pointed out that the street has sufficient width to handle traffic at a greater speed. Mr. Weller reported that the proposal to increase the speed limit came originally from the Lodi District Court. He explained that the Police Department had difficulty in securing convictions in their attempts to enforce the present speed limit. Mayor Hughes opened the meeting for public discussion. Mr. Leonard Franklin, President of the Needham School P.T.A., addressed the Council to explain that he had received numerous telephone calls from members of the P.T.A. and they were unanimous in their opposition to the proposed increase in speed limit. He stated they did not think the items for study were conclusive. He felt that by increasing the speed limit to 35 miles per hour the public would tend to exceed this speed limit also. He pointed out that he did not have confidence in the radar checks carried on by the Police Department since the speed checks were made of traffic on only one side of the street at a time. He pointed out that speeds on both side of the street will vary. He urged that stricter enforcement be employed as a means of holding the speed down. He also pointed out that trucks use this street and he felt that the momentum of the heavier vehicles would prevent their stopping in sufficient time to prevent dangerous accidents. The Council then heard opposition to the proposed speed limit increase from Mrs. Marian Aberle, Mr. Grant Mitchell, Mr. Kerby Anderson, Mr. C.J. Ayers, and Mr. Alex McGregor. Councilman Robinson stated that he felt if a speed limit of 25 miles per hour cannot be enforced it would be equally difficult to enforce a speed limit of 35 miles per hour. He stated he felt if people break the law, the solution is not to change the law. He felt the laws should be enforced. He pointed out that whereas the speed limit on South Hutchins Street had been increased from 25 miles per hour to 35 miles per hour, this was made possible by the limited amount of development on the west side of Hutchins Street. It was his feeling that when this street develops further, the speed limit should be reduced to 25 miles per hour also. Councilman Mitchell stated he agreed that a speed limit on South Church Street should be retained at 25 miles per hour. He was equally opposed to the higher speed limit on South Hutchins Street. Councilman Fuller stated that whereas he could understand the view of the people on South Church Street and would be willing to go along with it, he personally did not believe that

35 miles per hour on South Church Street was too fast. He felt that the present day automobiles are mechanically sound particularly in regard to the safety of the automotive brakes, and that 35 miles per hour is a safe, sound speed. On the motion of Councilman Mitchell, Robinson second, the City Council voted to retain the 25 mile per hour speed limit on South Church Street.

HAM LANE
ANNEXATION

ORD. NO. 592
ADOPTED

ORDINANCE NO. 592, ENTITLED, "APPROVING THE ANNEXATION OF THE HAM LANE ANNEX TO THE CITY OF LODI AND DECLARING THAT THE SAME IS ANNEXED TO AND MADE PART OF THE CITY OF LODI", having been introduced at the June 5, 1957 meeting, was brought up for passage on the motion of Councilman Mitchell, Robinson second. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Fuller, Mitchell, Robinson and Hughes

NOES: Councilmen - None

ABSENT: Councilmen - Katzakian

Ordinance No. 592 was then signed by Mayor Hughes in approval thereof.

ELIMINATION OF
DIAGONAL PARKING
ON W. ELM STREET

ORD. NO. 593
ADOPTED

ORDINANCE NO. 593, ENTITLED, "AN ORDINANCE REPEALING SECTION 194 (d) OF ORDINANCE NO. 493, ENTITLED 'AN ORDINANCE OF THE CITY OF LODI REGULATING TRAFFIC UPON THE PUBLIC STREETS AND REPEALING ORDINANCES NOS. 64, 137, 222, 446, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith' TO ELIMINATE DIAGONAL PARKING ON WEST ELM STREET BETWEEN CHURCH STREET AND LEE AVENUE", having been introduced at the June 5, 1957 meeting, was brought up for passage on the motion of Councilman Fuller, Mitchell second. Second reading was omitted after reading by title, and was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - Fuller, Mitchell, Robinson and Hughes

NOES: Councilmen - None

ABSENT: Councilmen - Katzakian

Ordinance No. 593 was then signed by Mayor Hughes in approval thereof.

EMERSON SCHOOL
TURFING

The City Manager reported that an item of \$3,600 had been added to the budget for the turfing of Emerson School at the request of the City Council.

C OF C BUDGET
REQUEST

Mr. Weller explained that the City had received a request from the Lodi District Chamber of Commerce for the amount of \$4,166.28. He explained that because he felt any change in the City's contribution to the Chamber was a policy matter and should be handled by the City Council, he had included an item of \$3,300 in the 1957-58 budget which is the same amount authorized by the City Council for the fiscal year 1956-57.

Mr. Sam Salas, President of the Lodi District Chamber of Commerce addressed the Council to explain that the Chamber of Commerce is exerting its effort to build the Lodi community and that the Chamber feels it needs additional funds from the City to accomplish its purpose. He asked that Mr. Jack Hoggatt, Secretary-Manager of the Chamber of Commerce explain the request in detail. Mr. Hoggatt presented a breakdown of its expenses including the sum of \$3,090.99 for operational expenses and \$3,503 to cover items of supplemental nature. The item of \$3,503 included participation in the Christmas tree program in the amount of \$2,563, participation in the Better Business Division in the amount of \$150, and participation in the specialized advertising program in the amount of \$790. He explained that the Chamber of Commerce undertakes to carry out promotional and advertising programs, for which it is better suited to perform, for the City. He explained that the Chamber is finding difficulty in financing these programs from the general fund of the Chamber of Commerce. Councilman Robinson recalled that in 1956 the Council approved the sum of \$3,300 to the Chamber of Commerce which included an item of \$500 for expenditure in conjunction with the City's 50th anniversary celebration. The City Attorney explained that the City Council is authorized by the State constitution to do only certain things. They cannot give money to the Chamber of Commerce based on the operational expenses of the Chamber, since this would be unlawful delegation of powers. He explained that this would be true because the Council would be delegating authority to expend funds over which the Council has no authority. Councilman Robinson moved that the Council authorize expenditure of \$4,000 to the Chamber of Commerce. The motion died for want of a second. It was agreed that before final action could be taken on the Chamber of Commerce request the Chamber should submit a request in conformity with the contract which the Chamber has with the City of Lodi for performance of advertising and promotion of the City of Lodi.

Councilman Robinson requested that he be permitted to present the following suggestions which he had developed after a study of the recommended budget:

- (1) He indicated that he was not in agreement with the recommendation for an increase in vacation time for employees with long service with the City.

- (2) He suggested that three night patrolman be added to the Police Department with the understanding that if the study for partial integration of the Police and Fire Department as proposed results in acceptance of a program, these additional men would be considered part of that personnel.

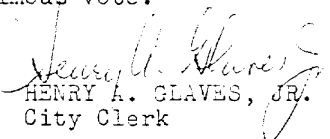
(3) He recommended the addition of \$500 to the Auxiliary Police function since he did not believe the City did enough for this voluntary personnel.

(4) He suggested that some start be made on the reconstruction of Turner Road between 99 highway and Church Street. He suggested that if funds be needed for this project, that it be secured by the elimination of some of the more unimportant street projects already included in the budget. He explained that he felt that if the City acts to improve Turner Road to a four-lane street and thereby encourages the traffic to use this street, it will serve to force a decision from the Southern Pacific Company and the County of San Joaquin on the reconstruction of the Turner Road grade separation.

Councilman Mitchell stated that he wished to increase the Police Department to add two patrolmen to the night shift in order that one additional patrol could be established on each side of the City.

Mayor Hughes stated that he felt there were various factors to consider before the Council reached a decision on the proposed increase of vacation time for employees. He felt there were good points to this proposal which he felt should not be overlooked.

After further discussion on the procedure for adoption of the budget it was moved by Councilman Fuller, Robinson second, that the meeting be adjourned until 8:00 p.m. June 26, 1957. The motion passed by unanimous vote.

ATTEST: 
HENRY A. GRAVES, JR.
City Clerk